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GOVERNMENT DOCUMENTS
COLLECTION

**101 Questions & Answers
about Massachusetts
Forest Laws**



***Department of Environmental Management
Division of Forests & Parks
Bureau of Forest Development***

942/64

This handbook is a publication of the:
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Division of Forests and Parks

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A companion publication to this handbook, explaining various Massachusetts forestry laws and regulations in more detail, has been compiled and revised January - 1985 by H. Peter Wood, Franklin County Extension Service. Entitled **A COLLECTION OF LAWS RELATING TO FORESTRY IN MASSACHUSETTS**, it is available for **\$2.00** by check or money order made payable to the Massachusetts Cooperative Extension Service. Send your request with payment to:

The Bulletin Center
Cottage A, Thatcher Way
University of Massachusetts
Amherst, MA 01003
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MASSACHUSETTS FOREST LAWS

There are several laws that have specific significance for forest landowners and loggers. These include the so-called Cutting Practices Act and its regulations, the Slash Disposal Act, the Public Shade Tree Act, the Wetlands Protection Act and various acts governing forest fire prevention, the sale and measurement of wood products, timber trespass and the like.

The following questions and answers cover some of the highlights of these acts and regulations with which licensed timber harvesters should be familiar.

FOREST CUTTING PRACTICES ACT

1. Q. What lands are subject to the Cutting Practices Act?

A. All land devoted to forest growth.
2. Q. What four facts make a planned operation subject to the Cutting Practices Act?

A.
 1. It is a commercial cut.
 2. It is on a single parcel of land.
 3. The cut is carried out at one time.
 4. The total volume of all products removed is equivalent to more than 25,000 board feet (25MBF) or more than 50 cords.
3. Q. In the Cutting Practices Act how many cords are assumed to have a volume equal to 1,000 board feet (1MBF)?

A. 2 cords equal 1 MBF.
4. Q. May cutting plans be approved for commercial operations where the volume of all products is less than or equal to 25 MBF or 50 cords?

A. Yes, if the landowner wishes and complies with all regulations.

5. Q. Can a non-commercial cut qualify under the Cutting Practices Act?
- A. No.
6. Q. What is a parcel of land?
- A. Any contiguous area of land in one ownership, simply being crossed by highways or streams does not break the property into separate parcels.
7. Q. When is an operation done at "any one time"?
- A. When work is reasonably continuous, that is not interrupted for a period longer than 180 days, or accomplishes the work covered by a valid cutting plan, whichever is the longer period.
8. Q. Is a permit needed for an operation that is exempt under the Cutting Practices Act?
- A. None under the act, however, local permits may be needed.
9. Q. Do the Cutting Practices Act Regulations have the force of Law?
- A. Yes, all regulations have the force of law.
10. Q. Who may inspect cutting operations?
- A. Foresters, Fire Wardens or others appointed by the Director as his agents.
11. Q. Who can issue a stop order under the Cutting Practices Act?
- A. The Director or his agent may immediately shut down an operation that fails to meet the law or the regulations by use of a stop order.

12. Q. How often must the Director or his agent inspect an operation?
- A. Once before approval if wetlands are involved; otherwise as often as deemed necessary.
13. Q. Is a final inspection necessary?
- A. Yes, the Director or his agent must be notified when the job is done. Inspection will be within 30 days thereafter.
14. Q. Is a final inspection possible in less than 30 days?
- A. Yes. If notice is given 2 weeks before the job is finished inspection will normally be within 7 days of completion.
15. Q. Is there any recourse if the landowner or the licensed timber harvester is aggrieved by a decision of the Director or his agent?
- A. Yes, appeal can be made to the Director within 10 days of receiving the decision.
16. Q. Is there any penalty for violating the approved plan?
- A. The landowner, stumpage owner or independent contractor can be fined up to \$100 per acre cut in violation.
17. Q. What is the penalty for not filing a forest cutting plan?
- A. The same as for not following the plan.
18. Q. Which abutting landowners must be notified of a planned cut?
- A. Those with land within 200 feet of the cutting area and not separated from it by a public way.

19. Q. How are abutting landowners identified?
- A. From the assessor's maps or assessment cards or any other knowledge the landowner has.
20. Q. Must a copy of the cutting plan be sent by the landowner to the local Conservation Commission before the operation starts?
- A. Yes, a copy of the Notice of Intent/Cutting Plan must be sent.
21. Q. Must a copy of the cutting plan be sent by the landowner to abutters?
- A. No, instead the landowner notifies abutters using a form approved by the Director.
22. Q. Are weekends and holidays counted in calculating the 10 day waiting period under the Cutting Practices Act?
- A. No, only business days are counted.
23. Q. When does the 10 day waiting period begin under the Cutting Practices Act?
- A. On the first business day after the cutting plan is received at the D.E.M. Regional Office
24. Q. Who is responsible for sending a notice of intent to cut and a proposed plan for the operation to the Director or his agent?
- A. The landowner has the final responsibility.

25. Q. What is a work order?
- A. An approved cutting plan.
26. Q. Must the "guidelines" in the regulations be included in a plan?
- A. No.
27. Q. If "guidelines" are put in a plan must they be followed?
- A. Yes, they then have the force of "standards".
28. Q. Can any form be used to make out a forest cutting plan?
- A. No, only forms approved by the Director.
29. Q. What should be done with the Forest Cutting Plan Certificate?
- A. When work starts, post it in a conspicuous place at the entrance to the lot from the public highway.
30. Q. If after the plan is approved some unexpected event makes a major change necessary, how is this done?
- A. The original plan can be amended with permission of the Director or his agent.
31. Q. If an approved plan is amended, must the abutting landowners or the Conservation Commission be notified?
- A. No, unless the change substantially affects their interests.

32. Q. What is the waiting period before an authorized amendment to an approved plan can be implemented?
- A. Work can begin as soon as the amendment is approved. Meanwhile, the original plan is in force.
33. Q. May work start without an approved forest cutting plan?
- A. Yes. If all forms and notices have been properly sent and the 10 day waiting period has elapsed work can then start on dry lands but not in wetlands.
34. Q. How long is an approved forest cutting plan valid?
- A. For up to 2 years. Annual extensions are possible for good cause.
35. Q. Must the landowner make out the forest cutting plan?
- A. No, anyone knowledgeable enough may make out the plan.
36. Q. May the owner have an agent make and sign the plan and otherwise look after the cut for the landowner?
- A. Yes, but a special appointment form must be submitted with the plan if the agent is to sign for the landowner.
37. Q. What is a harvest cutting?
- A. This is when a stand of mature trees is cut for products so a new stand must be started with tree seedlings or sprouts.
38. Q. Are all hardwood sprouts acceptable as regeneration?
- A. No, only those from seedlings or saplings with stumps less than 5 or inches in diameter, except in a coppice cut where sprouts or larger stumps are acceptable.

39. Q. How large may a harvest by clear-cutting be?
- A. No larger than 10 acres without special reasons given and written approval from DEM.
40. Q. What is the purpose of a buffer strip?
- A. To maintain a forested appearance and protection along roads and water bodies.
41. Q. May advance regeneration already present on the lot be relied on for regeneration?
- A. Yes, provided it is left well distributed over the lot in a healthy condition for growth after the cut is finished.
42. Q. In a seed tree cutting what kind of a tree must be left growing?
- A. A full-crowned, wind-firm, healthy tree of seed bearing age.
43. Q. If only selected mature trees are cut, is this a selection cut?
- A. No. A selection cut is quite rare because it removes only 20-30 percent of the basal area, cuts only a few mature trees per acre and at the same time thins immature dense groups of trees.
44. Q. Must harvest cutting be confined to the 8 standard systems named in the regulations?
- A. No. If none of these is suitable for the lot a special harvest cutting can be described and, if approved, can be used.
45. Q. What is an intermediate cutting or thinning?
- A. This is a light cut to speed growth in a crowded immature stand.

46. Q. What is the primary objective of the "standards for cutting trees"?
- A. To do everything possible to promote prompt, satisfactory regeneration that will keep the land forested following a final harvest cut.
47. Q. Must the property boundary be painted or blazed before an operation?
- A. No, unless the land is classified for special taxation under Chapter 61. Then the boundaries within 50 feet of the cutting area must be painted or blazed.
48. Q. Must the cutting area be identified on the ground?
- A. Yes, the trees or the area to be cut must be painted or otherwise marked for the duration of the operation.
49. Q. How is a coppice cut defined in the Cutting Practices Act regulations?
- A. Coppice removes the old stand in one cut and obtains regeneration from sprouts. Acceptable only for red maple or poplar stands.
50. Q. How is a patch cut defined in the Cutting Practices Act regulations?
- A. Patch cut is a clearcut of one quarter to one acre in size.
51. Q. What is the purpose of a filter strip?
- A. It is located next to water bodies to trap sediment before it gets into the water.
52. Q. What is the maximum cut at any one time in a buffer strip or filter strip?
- A. No more than half the square feet of basal area per acre in trees over 5 inches in diameter can be cut.

53. Q. May logging equipment be operated in a filter strip?
- A. Generally no, except in special circumstances prescribed in the regulations (stream crossings, on an existing road, etc.).
54. Q. May a filter strip be laid out inside a buffer strip?
- A. Yes, along a water body they generally coincide.
55. Q. Why is the design and lay-out of principal skid roads important?
- A. Skid roads generally cause more than 80% of the erosion on an average cutting.
56. Q. What road and trail standards must be followed?
- A. Those in the publications listed in the regulations.
57. Q. What is a steep slope that requires special attention and the filing of a Steep Slope (SS) Form under the Cutting Practices Act?
- A. Grades of 30% or more over a slope distance of 200 feet or more.
58. Q. How can percent slope be calculated?
- A. Divide the difference in elevation between two points by the horizontal distance between them, then multiply by 100.
59. Q. In addition to proper initial layout what is the most important measure to control erosion on a discontinued skid road?
- A. Water bars appropriately spaced for the slope.

60. Q. How can tracking mud onto the highway be controlled?
- A. Gravel or mulch the logging road near the highway, scrape the mud off highway frequently or stop trucking during muddy weather.
61. Q. Does an approved Cutting Practices Act plan automatically exempt the operation from the Wetlands Protection Act?
- A. Only when wetlands are properly identified in the plan, the plan is approved by the Director, filed with the local Conservation Commission and faithfully followed.
62. Q. Does a stream that only flows part of the year (an intermittent stream) require special treatment under the Cutting Practices Act?
- A. Yes, except for that portion upgrade from the last bog, swamp, wet meadow or marsh.
63. Q. What is a wetland under the Cutting Practices Act?
- A. The same as wetland defined under the Mass. Wetland Protection Act.
64. Q. Is a "WL Form" (Wetlands Form) needed for cutting in or within 100 feet of a wetland?
- A. Yes.
65. Q. Are there any limits on the amount of wood that can be cut from a wetland?
- A. Yes. Small patches can be cut that remove no more than half the basal area at one time, after which another cut cannot be made for 3 years.
66. Q. When may cutting operations be conducted in wetlands?
- A. Only when dry, frozen or otherwise stable enough to support the logging equipment used.

67. Q. Must all waterway crossings be bridged?
- A. No, but they must be stabilized to prevent erosion.
68. Q. Can a road be built to cross a wetland?
- A. The Service Forester as the Director's agent can allow construction if no feasible alternative can be found.
69. Q. May operations start in wetlands without an approved cutting plan?
- A. No.
70. Q. How is a water body defined under the Cutting Practices Act regulations?
- A. A water body includes the ocean and estuaries, ponds, lakes, rivers, creeks and streams.
71. Q. Must the logger have a valid Massachusetts Timber Harvester's License?
- A. Yes.
72. Q. What must be done to get a timber harvester's license?
- A. 1. Make application to the Director.
2. Demonstrate knowledge of the forest laws in the state.
3. Pay the fee.
73. Q. What is the penalty for doing commercial timber harvesting without a license?
- A. A fine of not more than \$500 per violation.

FOREST FIRE LAWS
(including slash disposal)

74. Q. Are the slash disposal specifications the same for all operations?
- A. No. They are more stringent for operations exempt from the Cutting Practices Act (M.G.L. Ch. 132).
75. Q. Is any special treatment needed for slash near water bodies?
- A. Yes, it must not be left on the ground for at least 25 feet back from the water.
76. Q. How must slash be disposed of near the woodland of a neighbor?
- A. Within 40 feet of the boundary hardwood slash must be left within 2 feet of the ground and softwood slash must be removed.
77. Q. How must slash be treated near public highways on an operation that qualifies under the Cutting Practices Act?
- A. Within 40 feet of the highway boundary hardwood slash must be left within 2 feet of the ground, and softwood slash shall be removed for 40 feet back from the outer edge of the highway, and shall be within 2 feet of the ground for the next 60 feet farther back.
78. Q. How must slash be treated along woods roads?
- A. Hardwood slash shall be left within 2 feet of the ground for 20 feet back and softwood slash shall be treated the same for 25 feet back from the edge of the road.

79. Q. How must slash be treated when the operation is exempt from the Forest Cutting Practices Act?
- A. No slash will be left on the ground within 40 feet of the boundary of another or a railroad, or within 100 feet of the center of a highway, or 100 feet of the outer edge of a multiple highway, or 25 feet of a wat lopped and scattered to reduce fire hazard.
80. Q. Are spark arresters required on woods equipment?
- A. Yes, and the district fire warden may inspect to see that arresters are in working order.
81. Q. Who can close the woods to operations during periods of high fire hazard?
- A. The Director of the Division of Forests and Parks can close all private and public woodlands.
82. Q. What is the penalty for one who wantonly or recklessly sets a fire that destroys or injures growing trees or standing wood?
- A. A fine of not more than \$1,000 or imprisonment for not more than 2 years.
83. Q. When logging residues (slash) are burned during a limited period of the year, is a permit needed?
- A. Yes, a permit, good for not more than 2 days from date of issue, is gotten from the town forest warden who is usually the fire chief.

84. Q. What is a "forest or woods road" under the Slash Act?

A. Any permanently maintained road that is not a highway, the primary use of which is access to forest lands for the purpose of forest management or presuppression and suppression of forest fires.

MEASURE AND SALE OF FOREST PRODUCTS

85. Q. What is the legal unit of measure for sawlogs?

A. The International Log Scale, $\frac{1}{4}$ inch kerf, unless otherwise specified in the contract.

86. Q. In what lengths is cordwood sold?

A. Only in 4 foot lengths.

87. Q. How is cordwood measured for sale?

A. Cordwood is sold by cubic foot or the cubic meter.

88. Q. Whoever sells cordwood or firewood must issue a certificate of memorandum to the buyer. What information must be included?

A. A statement of the quantity of wood delivered and the names and addresses of the buyer and the seller.

WETLANDS ACT

89. Q. What must be done when an operation is exempt from the Cutting Practices Act, but involves wetlands or the 100 foot buffer area around wetlands so it falls under the Wetlands Protection Act?

A. Submit a Wetlands Protection Act Notice of Intent form to the Conservation Commission.

90. Q. What time lags are likely in processing a Notice of Intent under the Wetlands Protection Act?
- A. The Conservation Commission must advertise and hold a public hearing within 21 days of receiving a Notice of Intent. An added 21 days is allowed for reaching a decision after the hearing. So the usual lag is up to 42 days.
91. Q. What costs are involved with processing a Notice of Intent under the Wetlands Protection Act?
- A. A fee of \$25, plus the costs of advertising the hearing.
92. Q. What cutting falls under the Wetlands Protection Act?
- A. Any operation in, or within 100 feet of, wetlands, when the operation is exempt under the Cutting Practices Act.
93. Q. What agency is primarily responsible for enforcing the Wetlands Protection Act?
- A. The local Conservation Commission and if there is none the Selectmen or Mayor.

TRESPASS LAWS

94. Q. What is timber trespass?
- A. When trees are cut down, girdled, destroyed or carried away without permission of the owner.

95. Q. What is the penalty for timber trespass?
- A. If done willfully, three times the stumpage value. If the trespasser had good reason to believe the land was his own he is only liable for single damages.
96. Q. Can a person who willfully and without right pulls down or removes a stone wall or fence enclosing land be arrested without a warrant?
- A. Yes, by any game warden or deputy game warden.
97. Q. Can anyone enter the land of another with a vehicle, machine or device that includes an internal combustion engine without first getting permission from the landowner?
- A. No. Such entry without right is subject to a fine of up to \$100.
98. Q. What is the penalty for the person who willfully cuts or destroys a useful tree or shrub that belongs to another?
- A. Imprisonment for not more than 6 months or a fine of not more than \$500.
99. Q. Who must approve the cutting of a tree that shades the public way?
- A. The town tree warden, usually after a public hearing, unless someone objects in writing at the hearing, then the decision goes to the selectmen.

100. Q. When cutting on a property classified for taxation under Chapter 61 is there any special treatment needed besides blazing the boundaries within 50 feet of the cutting area?
- A. Yes, the cutting must conform to the "forest management plan" and the value of the stumpage must be shown in the "cutting plan".
101. Q. What is the difference between a "forest management plan" and a "cutting plan"?
- A. A forest management plan lists all operations planned on a property, currently, for a 10 year period. A cutting plan gives the details of how a specific operation will be done.





**DEM-Division of Forests and Parks
REGIONAL OFFICES**

REGION 1 - Southeastern Mass.

Division of Forests and Parks
P.O. Box 66, South Carver, MA 02366
(508)866-2580
Norfolk County forester: (508)543-5850
Bristol County forester: (508)866-2580
Plymouth, Cape & Islands forester:
(508)866-2580

REGION 2 - Northeastern Mass.

Division of Forests and Parks
P.O. Box 829, Carlisle, MA 01741
(508)369-3350
Middlesex County forester: (508)369-3351
Essex County forester: (508)887-5794

REGION 3 - Worcester County

Division of Forests and Parks
P.O. Box 155, Clinton, MA 01510
(508)368-0126

REGION 4 - Connecticut Valley

Division of Forests and Parks
P.O. Box 484, Amherst, MA 01004
Franklin and Hampshire Counties
foresters: (413)545-5993
Hampden County forester: (413)532-6872

REGION 5 - Berkshire County

Division of Forests and Parks
P.O. Box 1433, Pittsfield, MA 01202
(413)442-8928

RESOURCE CONSERVATION & DEVELOPMENT

**RC&D Forester
463 West Street, Amherst, MA 01002
(413)256-1607**

FOREST PRODUCTS MARKETING

See Boston Office address

BOSTON OFFICE

**Division of Forests and Parks
100 Cambridge Street, 19th Floor
Boston, MA 02202
(617)727-3180**

NOTICE

All questions or problems concerning the Forest Cutting Practices should be directed to the Service Forester covering your county. Inquiries regarding Timber Harvester licenses may be made to the Boston office. Thank you.

Mass. Dept. of Environmental Management
Division of Forests & Parks
100 Cambridge Street, Boston, Mass. 02202
(617) 727-3184

In summary, Mass. General Laws Chap. 132, s. 40 - 46, in part states: A landowner who cuts or causes to be cut more than 25,000 board feet or 50 cords at one time, for commercial purposes, must file a Notice of Intent/Cutting Plan with the appropriate D.E.M. Regional Office.

Know how much you are cutting or selling. Tally the trees by D.B.H. and log lengths (estimated). Apply volumes from this Table and total. D.B.H. is the diameter of a tree at breast height (4½ feet) above the ground.

TREE SCALE — International Rule
Board Foot Content of Trees

D.B.H. Inches	Height—Number of 16 foot logs—to 6" top						
	1	1½	2	2½	3	3½	4
6	10	15					
7	10	25	40				
8	20	35	50				
9	30	45	60				
10	40	55	70	85	95		
11	50	65	80	95	110		
12	60	75	95	110	125	145	165
13	70	90	115	130	145	165	190
14	85	110	135	150	165	190	215
15	95	130	160	180	200	220	250
16	110	150	190	215	240	260	285
17	125	165	215	250	280	300	325
18	140	195	245	285	320	345	370
19	160	220	275	320	360	390	420
20	180	245	310	355	400	435	465
21	200	270	345	400	450	490	525
22	220	300	380	445	505	545	585
23	245	330	420	490	560	605	655
24	270	365	460	540	615	670	730
25	295	400	505	590	675	735	800
26	320	435	550	645	735	805	875
27	345	470	600	700	800	875	955
28	370	515	655	760	870	950	1035
29	400	555	705	820	940	1030	1120
30	430	595	760	885	1010	1110	1205

THE INTERNATIONAL LOG SCALE

¼-INCH SAW KERF

(Board foot volume of logs to nearest 5 board feet)

Diameter (Small end inside bark) Inches	Length of Log in Feet						
	8	10	12	14	16	18	20
4		5	5	5	5	5	10
5	5	5	10	10	10	15	15
6	10	10	15	15	20	25	25
7	10	15	20	25	30	35	40
8	15	20	25	35	40	45	50
9	20	30	35	45	50	60	70
10	30	35	45	55	65	75	85
11	35	45	55	70	80	95	105
12	45	55	70	85	95	110	125
13	55	70	85	100	115	135	150
14	65	80	100	115	135	155	175
15	75	95	115	135	160	180	205
16	85	110	130	155	180	205	235
17	95	125	150	180	205	235	265
18	110	140	170	200	230	265	300
19	125	155	190	225	260	300	335
20	135	175	210	250	290	330	370
21	155	195	235	285	320	365	410
22	170	215	260	305	355	405	455
23	185	235	285	335	390	445	495
24	205	255	310	370	425	485	545
25	220	280	340	400	460	525	590
26	240	305	370	435	500	570	640
27	260	330	400	470	540	615	690
28	280	355	430	510	585	665	745
29	305	385	465	545	630	715	800
30	325	410	495	585	675	765	860

Tally logs by diameter and lengths. Apply volumes from this table and total.

This Log Rule has been adopted by the Commonwealth of Massachusetts as the standard log rule for determining the board foot content of sawlogs in Massachusetts. All contracts entered into for the purchase and sale of sawlogs shall be deemed to be made on the basis of this standard rule, unless some other method of measurement is specifically agreed upon.
(Chap. 145, Acts of 1945.)

NOTES

NOTICE

ENDANGERED WETLAND SPECIES POLICY

Effective November, 1988, DEM will check all submitted cutting plans against the "Atlas of Estimated Habitats of State-listed Rare Wetlands Wildlife". If the proposed operation involves one of these habitats the cutting plan will be forwarded to the Department of Fisheries and Wildlife, Natural Heritage Program for determination of impact on the rare and endangered species.



Landowners affected will be notified that there will be a delay in the processing of the cutting plan. Also, the plan may have to be amended by the service forester to protect rare and endangered species habitat.

**The Commonwealth of Massachusetts
Department of Environmental Management
Division of Forests & Parks
100 Cambridge Street, Suite 1900
Boston, Massachusetts 02202**